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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,909	07/03/2001	Detlef Weber	12816-021001/S1166 SB/flu	9573
26161	7590	01/16/2003		
FISH & RICHARDSON PC			EXAMINER	
225 FRANKLIN ST			CAO, PHAT X	
BOSTON, MA 02110				
		ART UNIT	PAPER NUMBER	
		2814		

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/898,909	WEBER, DETLEF
	Examiner Phat X. Cao	Art Unit 2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 October 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 . | 6) <input type="checkbox"/> Other: _____ .                                   |

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of claims 21-27 in Paper No. 8 is acknowledged.

### ***Drawings***

2. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-24 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaha et al (US. 5,793,110).

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Yamaha (Figs. 1A-1G) discloses a method for fabricating a metallization arrangement for a semiconductor structure, the method comprising: providing a first substructure plane on the semiconductor structure; providing a first intermediate dielectric 14 on the first substructure plane; providing a liner layer 15 made of SiN on the first substructure plane; providing via holes in the first intermediate dielectric 14 and the liner layer 15, the via holes being filled with a conductive material, thereby completing a first resulting structure; providing a second metallization plane W on the first resulting structure; providing mask on the second metallization plan for patterning a first interconnect 19 and a second interconnect 16 or 17; etching the liner layer 15 between the first and second interconnects to form an interspace therebetween; and providing a dielectric 20 in the interspace.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Usami (US.

6,498,398).

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Usami (Figs. 4, 6A-6C and related text, column 10, lines 45-67 through column 11, lines 1-11) discloses a method for fabricating a metallization arrangement for a semiconductor structure, the method comprising: providing a first substructure plane on the semiconductor structure; providing a first intermediate dielectric 5a on the first substructure plane; providing a liner layer 17 made of silicon dioxide on the first substructure plane; providing via holes 6 in the first intermediate dielectric 5a and the liner layer 17, the via holes being filled with a conductive material 7, thereby completing a first resulting structure; providing a second metallization plane on the first resulting structure; patterning a first interconnect 8 and a second interconnect 8 in the second metallization plane; etching the liner layer 17 between the first and second interconnects 8, thereby forming an interspace 13 therebetween; and providing a dielectric 9 in the interspace.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaha et al (US. 5,793,110) in view of Usami (US. 6,498,398).

Yamaha does not disclose the liner layer comprising silicon dioxide.

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However, Yamaha further discloses that "Instead of silicon nitride, other materials capable of blocking the diffusion of moisture related species may also be used." (Column 7, lines 7-9). Accordingly, it would have been obvious to substitute silicon dioxide for silicon nitride because silicon dioxide also has a high moisture resistance, as taught by Usami (column 9, lines 26-29).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is (703) 308-4917. The Examiner can normally be reached on Monday through Thursday. If attempts to reach the Examiner by telephone are unsuccessfully, the Examiner's supervisor, Wael Fahmy, can be reached on (703) 308-4918.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. Group 2800 fax number is (703) 308-7722 or (703) 308-7724.

*Carmanek*  
PHAT X. CAO  
PRIMARY EXAMINER

PC  
January 10, 2003